THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION Nos. 24422, 24417 and 24344 of 2005

Dated:15.11.2005

-

WRIT PETITION NO : 24422 of 2005

-

Between:

P.Basavashwar Rao S/o.Prakash Rao
Secretary, Primary Agricultural Cooperative Society,

and president of Bodhan Division Primary Agricultural Cooperative Societies Employees Cooperative Credit Society, Bodhan, R/o Kaldurki, Bodhan Mandal, Nizamabad District.

..... PETITIONER

AND

The Election Officer, Nizamabad District Cooperative Central Bank ltd., Nizamabad, Nizamabad District

and others.

.....RESPONDENTS

-

WRIT PETITION NO : 24417 of 2005

Between:

A.Rajalingam S/O A.Chinnaiah,

Assistant Manager (Officiating), Nizamabad District

Cooperative Centra Bank Ltd., & President of the

Sharada Cooperative Printing and Publishing Society,

Nizamabad, R/O Plot No., Near New Housing Board Colony,

Kondeswar Subhashnagar, Nizamabad, Nizamabad District.

..... PETITIONER

AND

The Election Officer, Nizamabad District Cooperative Central bank Ltd, Nizamabad, Nizamabad District

and others.

.....RESPONDENTS

WRIT PETITION NO : 24344 of 2005

Between:

The Nizamabad Division Primary Agricultural Cooperative Societies Secretaries Employees Cooperative Credit Society, Nizamabad rep.by its secretary.

..... PETITIONER

AND

The Commissioner for Cooperation and Registrar of Cooperative societies, Andhra Pradesh, Gruhakalpa, Hyderabad.

.....RESPONDENT

COMMON ORDER:

Since common questions are raised in all the three writ petitions, they are disposed by this common order.

The petitioner in W.P.No.24417 of 2005 is the Assistant Manager, Nizamabad District Cooperative Central Bank Limited and president of Sharada Cooperative Printing and Publishing Society, Nizamabad. The petitioner in W.P.No.24344 of 2005 is the Secretary of Nizamabad Division Primary Agricultural Coperative Societies Secretaries Employees Cooperative Credit Society, Nizamabad. The petitioner in W.P.No. 24422 of 2005 is the Secretary of the Primary Agricultural Coperative Society, Kaldurki and President of Bodhan Division Primary Agricultural Coperative Societies Employees Cooperative Credit Society, Bodhan. For conducting elections to the posts of office bearers of the respective functional societies, voters lists have been prepared and the names of the petitioners have been found in the voters lists of the table III-B of the functional societies. It is stated that though their names are found in the voters lists of the functional societies in the table prepared under Rule 22-(a)(i) of the A.P.Cooperative Societies Rules, 1964 (for short “the Rules”) for the purpose of conducting elections to the Cooperative Central Banks, they are not permitted to contest to the post of Director of the District Cooperative Central Bank, pursuant to the circular issued by the Registrar of Cooperative Societies in 31798/39/2005/Election Cell dated 08.11.2005. The Registrar of the Cooperative Societies-cum-Election authority issued the said circular dated 08.11.2005 appointing the election officer to conduct elections for constituting the Managing Committee of the Nizamabad District Cooperative Central Bank Limited, Nizamabad. A separate clarification has been issued by different proceedings on the same day stating that the Employees Cooperative Credit Societies of the District Cooperative Central Bank Limited and the employees of the paid Secretaries or credit society employees cooperative credit societies employees cannot be permitted to contest in the elections of the District Cooperative Central Bank from group “B” electoral college. Pursuant to the said instructions dated 08.11.2005, the nominations of the petitioners to contest for the post of director of the District cooperative Central Bank, were rejected. Aggrieved by the same, these writ petitions have been filed.

Admittedly, petitioners are either employees of the PACS or the employees of the District Cooperative Central Bank or the employees of the Credit Societies employees cooperative credit societies. It is stated that the societies where the petitioners are working, are receiving funds from the Cooperative Central Bank.

The learned Government pleader appearing for the respondents submits that there

is a specific bar permitting the petitioners to become members/Directors of the Committee of the District Cooperative Central Bank. Under Section 21-A of the A.P.Cooperative Societies Act, 1964 (for short “the Act”), no person shall be eligible for being chosen as, and for being, a member of the committee, if he is a near relative of such paid employee/Society or its financing Bank, as may be prescribed. There is also specific disqualification of the membership of a committee against a person to be chosen as a Director of the Cooperative Central Bank if he is a Village Administrative Officer or an employee of the State or Central Bank or an employee of any institution receiving aid from the funds of the State or Central Government or an employee of an undertaking owned and controlled by the State or Central Government. In view of the specific prohibition contained under Section 21-A(1)(a) and (i) of the Act, the petitioners cannot be permitted to contest to the post of Director of the District Cooperative Central Bank.

Learned counsel for the petitioners submits that when the names of the petitioners have been shown as members in the voters list for the election to the Board of Directors of the District Cooperative Central Bank from Group “B” Electoral College, there cannot be any bar prohibiting the petitioners from contesting to the post of Director.

On the other hand, learned Government Pleader submits that though the petitioners are the voters, in view of the specific prohibition under Section 21-A(i)(a) & (i) of the Act, they cannot be permitted to contest for the post of Director of the District Cooperative Central Bank and therefore, the circular issued by the Registrar under the Act cannot be said to be illegal or contrary to law. It is stated that the instructions issued by the Registrar and the Election Officer is only in conformity with Section 21-A(1)(a) & (i) of the Act as well as Rule 24(a) of the A.P.Cooperative Societies Rules, 1964 (for short “the Rules”). Under Rule 24(a) of the Rules, no person shall be eligible for being chosen or continuing as a President of a Primary Cooperative Society or as a member of the committee of any society, if he is a near relative of a paid employee of the Society. All the petitioners are paid employees of certain societies, which are receiving funds from the Cooperative Central Bank. So when the near relative of such paid employee of the society himself is not entitled for being a member of the committee of the District Cooperative Central Bank, the petitioners being the employees of the different societies which are receiving aid from the District Cooperative Central Bank are not entitled to contest to the post of Director of

the District Cooperative Central Bank. Therefore, I do not see any merits in the contentions raised by the learned counsel for the petitioners and therefore, the writ petitions are liable to be dismissed.

Accordingly, these writ petitions are dismissed. No costs.

_____

15.11.2005

Note : Furnish C.C. in two days.

(B/O)

sh